

REMARKS

Claims 1-18 are pending.

Claims 1-18 stand rejected.

Claims 1, 6, and 16 are currently amended.

Claims 3, 10, and 18 are cancelled.

Objection to the Specification

The abstract of the specification has been objected to for containing the phrase “Disclosed are.” The abstract has been amended to remove the phrase “Disclosed are.” Accordingly, Applicants respectfully request the objection to the abstract be withdrawn.

The specification has been objected to for not providing the serial number of the related application. The specification has been amended to make specific reference to the related application Serial Number 10/824901, entitled “Write-Once Read-Many Hard Disk Drive Using A WORM Pointer.” Accordingly, Applicants respectfully request the objection to the abstract be withdrawn.

Rejection of Claims under 35 U.S.C. § 101

Claims 16-18 stand rejected under 35 U.S.C. 101. The Office Action states that the claimed invention is directed to non-statutory subject matter. Applicants respectfully disagree. Applicants submit that claims 16-18 contain statutory subject matter since the

claims as written produce a "useful, concrete and tangible result." *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. For example as claimed, the invention of claims 16-18 relate to an article of manufacture comprising a data storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform method steps for writing data on a data storage device, including the step of "executing said write command to write data to said one or more destination LBAs." The step of "executing said write command to write data to said one or more destination LBAs" produces a "useful, concrete and tangible result." Moreover, computer software stored on a computer readable medium (computer program product) has been held to be statutory subject matter. *In re Beauregard*, 35 USPQ2d 1383 (Fed. Cir. 1995). Finally, the Office Action states "signals propagating through space, radio waves, infrared signals" of Applicants specification at paragraph [0049] are not statutory subject matter. However, Applicants respectfully disagree.

Accordingly, Applicants respectfully request this rejection be withdrawn.

Rejection of Claims under 35 U.S.C. § 102

Claims 8-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Curtis et al., U.S. Patent No. 5,233,576 ("Curtis"). Applicants respectfully traverse this rejection.

As amended, independent claim 8 recites, *inter alia*, "a WORM memory coupled to said processor for storage of a LBA WORM utilization bit, wherein said WORM memory comprises one of an EPROM, a PROM, or a FLASH memory and said WORM memory is separate from said data storage media ...and wherein said processor obtains a

WORM bit from said write command, obtains a starting LBA and a LBA transfer length from a write command received by said host device interface, uses said starting LBA and said LBA transfer length to determine one or more destination LBAs for writing data to, obtains a LBA WORM utilization bit from a WORM memory for each of said one or more destination LBAs and in response to said LBA WORM utilization bit indicating a rewriteable LBA for each of said one or more destination LBAs, executes said write command to write data to said one or more destination LBAs.”

The cited portions of Curtis do not disclose wherein *said WORM memory comprises one of an EPROM, a PROM, or a FLASH memory and said WORM memory is separate from said data storage media*, and wherein said processor obtains a WORM bit from said write command, *obtains a starting LBA and a LBA transfer length from a write command received by said host device interface, uses said starting LBA and said LBA transfer length to determine one or more destination LBAs for writing data to, obtains a LBA WORM utilization bit from a WORM memory for each of said one or more destination LBAs* and in response to said LBA WORM utilization bit indicating a rewriteable LBA for each of said one or more destination LBAs, executes said write command to write data to said one or more destination LBAs.”

Accordingly, Applicants submit that all of the claim limitations of amended independent claim 8 have not been shown by Curtis. Accordingly, Applicants respectfully submit that claim 8 is allowable for at least this reason over Curtis.

Claims 9 and 11-15 depend from independent claim 8 and are allowable for at least this reason.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-3, 7, and 16-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Curtis, in view of Takahashi, U.S. Patent No. 6,373,800 (“Takahashi”). Applicants respectfully traverse this rejection.

As amended, independent claim 1, and generally independent claim 16 recite, *inter alia*, “obtaining a WORM bit from said write command...obtaining a LBA WORM utilization bit from a WORM memory for each of said one or more destination LBAs, wherein said WORM memory comprises one of an EPROM, a PROM, or a FLASH memory and said WORM memory is separate from said data storage media ...and in response to determining that said write command executed without errors and that said WORM bit indicates WORM data, setting said LBA WORM utilization bit for said one or more destination LBAs in said WORM memory to indicate WORM data.”

The cited portions of Curtis and Takahashi, either alone or in combination, do not disclose obtaining a WORM bit from said write command, obtaining a LBA WORM utilization bit from a WORM memory for each of said one or more destination LBAs, *wherein said WORM memory comprises one of an EPROM, a PROM, or a FLASH memory and said WORM memory is separate from said data storage media*, and in response to determining that said write command executed without errors and that said WORM bit indicates WORM data, setting said LBA WORM utilization bit for said one or more destination LBAs in said WORM memory to indicate WORM data.”

Accordingly, Applicants submit that all of the claim limitations of independent claims 1 and 16 have not been shown by Curtis and Takahashi, alone or in combination. Accordingly, Applicants respectfully submit that claims 1 and 16 are allowable for at least this reason over Curtis and Takahashi, either alone or in combination.

Claims 2, and 4-7 depend from independent claim 1 and are allowable for at least this reason. Claim 17 depends from independent claim 16, and is allowable for at least this reason.

CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at the numbers provided below.

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| I hereby certify that this correspondence is being transmitted herewith to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450. (571) 273-8300 | |
| <u>Halka Gordon</u> | <u>09-27-06</u> |
| Halka Gordon | Date of Signature |

Respectfully submitted,

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